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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## OAKLAND DIVISION

UNITED STATES OF AMERICA, ) Case No. 23-CR-00269 JSW  
Plaintiff, )  
v. ) **JOINT STATUS REPORT; STIPULATION TO**  
 ) **CONTINUE TRIAL DATE; AND [PROPOSED]**  
 ) **ORDER**  
(3) DEVON CHRISTOPHER WENGER, )  
Defendant. )  
 )  
 )

The parties hereby respectfully submit this joint status report and stipulation to continue the trial date from July 21, 2025 to July 28, 2025.

This Court entered an order granting defendant Devon Christopher Wenger's motion for a mistrial on March 5, 2025. Dkt. 350. On March 25, 2025, the Court scheduled Wenger's re-trial for July 21, 2025. Dkt. 421. On April 2, 2025, this Court granted attorney Michael Schwartz's motion to appear as counsel of record, and ordered the parties to meet and confer regarding a proposed date for Wenger's re-trial. Dkts. 430, 431.

1       According to Attorney Schwartz, his proposed co-counsel, Kasey Castillo, is unavailable to  
2 begin trial on July 21, 2025. The parties therefore propose Wenger's trial be scheduled to begin on July  
3 28, 2025, with the pretrial conference scheduled for June 30, 2025 and jury selection scheduled for July  
4 23, 2025, if those dates are available for the Court. The government had previously estimated that its  
5 case-in-chief would last no more than six court days given the Court's typical trial schedule. Dkt. 407.  
6 The parties have been notified that *United States v. Palma*, 23-CR-187 JSW, is currently scheduled for  
7 trial beginning August 11, 2025 with jury selection on August 6, 2025. Therefore, in light of the  
8 estimated length of this trial and the Court's schedule in early August, the parties respectfully request  
9 that the Court schedule trial from 8:00 a.m. to 4:30 p.m. (except for Tuesdays) on the days that trial is in  
10 session, if the *Palma* trial proceeds as scheduled. The parties understand that the Court's typical weekly  
11 schedule does not hold trial on Fridays. Although the parties are requesting the Court modify its daily  
12 schedule to accommodate the trial, due to Defense Counsel's religious observance, the parties are  
13 requesting the Court not modify its typical weekly schedule, and therefore not hold trial on Fridays.

14       The parties also stipulate and agree that that the time period between April 1, 2025 (the date of  
15 Attorney Schwartz's appearance in this case) and July 28, 2025 should be excluded under the Speedy  
16 Trial Act.<sup>1</sup> The United States previously produced discovery in this case to Wenger's prior counsel of  
17 record. Therefore, in order to permit time for defense counsel to review discovery, investigate the case,  
18 and prepare for trial, the exclusion of time serves the ends of justice and outweigh the best interest of the  
19 public and the defendant in a speedy trial. The parties also stipulate and agree that failure to grant the  
20 requested continuance would unreasonably deny defense counsel reasonable time necessary for effective  
21 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

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28       <sup>1</sup> The Court previously excluded time until July 21, 2025. *See* Dkt. 421.

1 The undersigned Assistant United States Attorney certifies that he has obtained approval from  
2 counsel for the defendant to file this stipulation and proposed order.

5 DATED: April 8, 2025

Respectfully submitted,

6 PATRICK D. ROBBINS  
7 Acting United States Attorney

8 /s/  
9 ERIC CHENG  
10 ALETHEA SARGENT  
11 AJAY KRISHNAMURTHY  
12 Assistant United States Attorneys

13 DATED: April 8, 2025

14 Respectfully submitted,

15 /S/

16 MICHAEL SCHWARTZ  
17 Attorney for Defendant DEVON CHRISTOPHER  
18 WENGER

1 [PROPOSED] ORDER

2 Based upon the facts set forth in the stipulation of the parties, the Court finds that there is good  
3 cause to continue trial in this matter from July 21, 2025 to July 28, 2025. The pretrial conference shall  
4 now be held at 2:00 p.m. on June 30, 2025, and jury selection shall be held on July 23, 2025.

5 The Court further finds that failing to exclude the time from April 1, 2025 through July 28, 2025  
6 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective  
7 preparation and continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C.  
8 § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from  
9 April 1, 2025 to July 28, 2025 from computation under the Speedy Trial Act outweigh the best interests  
10 of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS  
11 HEREBY ORDERED that the time from April 1, 2025 through July 28, 2025 shall be excluded from  
12 computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

13 IT IS SO ORDERED.

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15 DATED: \_\_\_\_\_

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17 JEFFREY S. WHITE  
18 Senior United States District Judge  
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